

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences**

In re Patent Application of

PHILLIPS et al.

Atty. Ref.: SCS-124-1158

Serial No. 10/577,938

TC/A.U.: 2814

Filed: May 3, 2006

Examiner: H. Weiss

For: STRAINED SEMICONDUCTOR DEVICES

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November 25, 2009

Attn: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re Appeal No. 2009-007560

Sir:

*Amended
PAW
12/1/09*

REQUEST TO RESCHEDULE ORAL HEARING

In response to the Notice of Hearing mailed November 19, 2009, Appellant's undersigned representative respectfully requests that the Oral Hearing in Appeal No. 2009-007560 scheduled for Tuesday, January 12, 2010, be rescheduled.

Upon receipt of the "Notice of Hearing," Appellant's undersigned representative checked his calendar and the undersigned will be on a flight returning to Washington, D.C. from Egypt on January 12, 2010. This flight was previously scheduled and confirmation of the travel arrangements was received prior to the mailing of the Notice of Hearing.

If possible, the rescheduled date for the Oral Hearing could be a day or two later if that is convenient to the Board. It also would be appreciated if this appeal could be coordinated with the appeal in the co-pending case (Appeal No. 2009-009371; Application No. 10/535,493) such that both hearings could be attended on the same day (as they are both currently scheduled for the same day).

Serial No. 10/577,938

Pursuant to the Clerk's instructions, Appellant encloses herewith the Notice of Hearing form signed and dated, but without checking "hearing attendance confirmed" or "hearing attendance waived" since Appellant intends to attend the Oral Hearing when it is appropriately rescheduled. In the event that a telephone discussion with the Clerk will facilitate the PTO's rescheduling of the hearing, the Clerk is respectfully requested to contact Appellant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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